IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD
(Special Original Jurisdiction)

PRESENT
**THE HON'BLE MR JUSTICE R.SUBHASH REDDY**
**WRIT PETITION NO : 28755 of 1995**

**Dated 29th August, 2006**

**Between**
M. Kasturi and others

… Petitioners

And

The Special Deputy Collector (LA)
Land Acquisition, Tirumala, Tirupati,
Chittoor District.

…Respondents.

**ORAL ORDER:**

This writ petition is filed questioning the Award dated 31.10.1995 passed under the Land Acquisition Act.

An extent of 4036 sq. ft. covered by structures in T.S.No. 8/2A, 2B, 2C, 2D and 2E of Ward No.4, Block No.B of Tirumala Hills was notified for widening of the road. In the notification issued under the Land Acquisition Act, the names of the petitioners were notified. Subsequently, they have also participated in the award enquiry conducted by the first respondent. It is their grievance that though they are original owners and entitled for award of compensation, the first respondent has passed award awarding entire compensation for the aforesaid area in favour of second respondent-Tirumala Tirupathi Devasthanams.

In the counter affidavit filed on behalf of the first respondent, it is stated that with regard to the very same property, there were rival claims and the matter was referred under Section 31 of the Land Acquisition Act. It is stated that the names of the petitioners herein were published in the notification under Section 4(1) of the Land Acquisition Act. But, however, during award enquiry, they have not produced any evidence to prove their title. Therefore, in view of the rival claims, the matter is already referred to competent civil court under Section 31 of the Land Acquisition Act.

As much as the award is passed consequent to notifying the land under the provisions of the Land Acquisition Act, whether the petitioners are original owners to claim compensation or not is not a matter, which can be gone into in the writ petition. As much as it is stated in the counter that the matter has already been referred to

under Section 31 (2) of the Land Acquisition Act, it is for the petitioners to prove their title and claim before the court where reference is pending. In that view of the matter, I do not find any valid ground for grant of relief as prayed for.

Therefore, I dispose of the writ petition permitting the petitioners to participate in the enquiry for their claim in the reference pending before the civil court.

However, it is made clear that if any claim is made by the petitioners, the same has to be examined without reference to any of the observations made in this order, and, independently, on the evidence adduced by the petitioners.

Subject to above observations, the writ petition is disposed of. No costs.

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29.8.2006 **(R.SUBHASH REDDY, J.)**

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